

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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CLIFTON RIVERS, )  
Plaintiff, )  
v. ) C.A. No. 1:21-cv-00367-MSM-PAS  
NICE RECOVERY SYSTEMS LLC; )  
VANGUARD MEDICAL LLC; RHODE )  
ISLAND FOOT CARE, INC.; )  
DOUGLAS GLOD, D.P.M.; JOE DOE )  
CORPORATION; & JOHN DOE, )  
Defendants. )

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**O R D E R**

The plaintiff, Clifton Rivers, has filed six motions to strike objections and compel more responsive answers to interrogatories and further responses to requests for production against the three defendants, Douglas Glod, D.P.M.; Rhode Island Foot Care, Inc.; and Vanguard Medical LLC. (ECF Nos. 60-65.) The Court has reviewed the parties' submissions and rules as follows:

**I. The Plaintiff's Motions to Strike Objections and Compel Further Responses to Requests for Production of Documents**

**A. Against Defendant Douglas Glod, D.P.M. (ECF No. 61)**

- The plaintiff's Motion on **Request No. 4** is GRANTED by agreement.
- The plaintiff's Motion on **Requests Nos. 7 and 9** is GRANTED IN PART. The request is specific and narrowly tailored to the time period relevant to the treatment in question; thus, the defendant's objection, with the exception of the objection to privilege or the work-product doctrine, is stricken. However, the defendant has represented that he has provided what he is in possession of or no longer has possession of materials

responsive to this request. To the extent that the plaintiff wants information about what the defendant once had or why he no longer has them, this is an appropriate inquiry for interrogatories or deposition testimony and the defendant shall not be required to elaborate in the context of a response to a request for production of documents.

- The plaintiff's Motion on **Request No. 12** is GRANTED IN PART. The defendant need only provide the requested documents for lawsuits or complaints made related to bunionectomy procedures and/or post-operative complications related to the use of a cold therapy device.

#### **B. Against Defendant Rhode Island Foot Care, Inc. (ECF No. 63)**

- The plaintiff's Motion on **Request No. 3** is GRANTED by agreement.
- The plaintiff's Motion on **Request No. 4** is GRANTED IN PART. The defendant's response may be limited to documents concerning Dr. Glod's training, education, experience, and credentialing.
- The plaintiff's Motion on **Request No. 11** is GRANTED IN PART. The defendant need only provide the requested documents for lawsuits or complaints made related to bunionectomy procedures and/or post-operative complications related to the use of a cold therapy device.
- The plaintiff's Motion on **Requests Nos. 17 and 23** is GRANTED, but should the defendant maintain that any of the requested information is privileged, it shall supplement with a privilege log.
- The plaintiff's Motion on **Request No. 24** is GRANTED as the documents sought are relevant to the claims and the time period is limited in scope.

#### **C. Against Defendant Vanguard Medical LLC (ECF No. 65)**

- The plaintiff's Motion is GRANTED in its entirety as unopposed.

### **II. The Plaintiffs' Motions to Strike Objections and Compel More Responsive Answers to Interrogatories**

#### **A. Against Defendant Douglas Glod, D.P.M. (ECF No. 60)**

- The plaintiff's Motion on **Interrogatory No. 3** is GRANTED IN PART. The defendant need only provide the information for lawsuits or complaints made related to bunionectomy procedures and/or post-operative complications related to the use of a cold therapy device.

- The plaintiff's Motion on **Interrogatory No. 8** is GRANTED as it seeks information relevant to the plaintiff's claims and is not unduly burdensome.
- The plaintiff's Motion on **Interrogatory No. 9** is GRANTED except as to subpart f, which impermissibly seeks to shift the burden of proof onto the defendant.
- The plaintiff's Motion on **Interrogatory No. 10** is GRANTED except as to the inquiry seeking the defendant's opinion as to cause, as that requires expert testimony.
- The plaintiff's Motion on **Interrogatory No. 11** is DENIED as the defendant provided a complete response.
- The plaintiff's Motion on **Interrogatories Nos. 13, 14, and 15** is DENIED as the interrogatories concern a device this defendant was not in possession of and thus the defendant has provided a complete response.
- The plaintiff's Motion on **Interrogatory No. 17** is GRANTED. The interrogatory seeks relevant information and is reasonably tailored in scope. The defendant shall provide a supplemental response to the extent he has the additional information sought. If the defendant is maintaining an objection based on privilege, he must provide a privilege log.
- The plaintiff's Motion on **Interrogatories Nos. 18 and 19** is GRANTED as the interrogatory seeks relevant information and is reasonably tailored in scope.
- The plaintiff's Motion on **Interrogatory No. 24** is GRANTED insofar as the objection is stricken but the defendant's answer, indicating he has no responsive information, may stand.

**B. Against Defendant Rhode Island Foot Care, Inc. (ECF No. 62)**

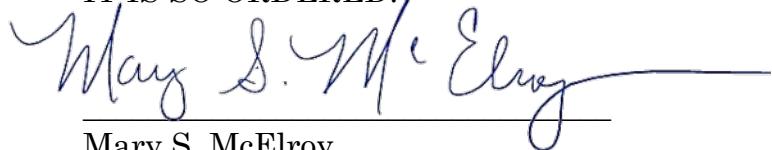
- The plaintiff's Motion on **Interrogatory No. 1** is DENIED.
- The plaintiff's Motion on **Interrogatory No. 2** is GRANTED, but should the defendant maintain that any of the requested documents are privileged, it shall supplement with a privilege log.

- The plaintiff's Motion on **Interrogatory No. 3** is GRANTED IN PART. The defendant need only provide the information for lawsuits or complaints made related to bunionectomy procedures and/or post-operative complications related to the use of a cold therapy device.
- The plaintiff's Motion on **Interrogatory No. 4** is GRANTED by agreement.
- The plaintiff's Motion on **Interrogatories Nos. 12, 13, 15, and 16** is GRANTED insofar as the objection is stricken but the defendant's answer, indicating it has no responsive information, may stand. To the extent the defendant is withholding documents due to privilege, however, it must provide a privilege log.
- The plaintiff's Motion on **Interrogatory No. 14** is GRANTED insofar as the objection is stricken but the defendant's answer, indicating it will supplement this answer regarding its defenses as discovery develops, may stand.

**C. Against Defendant Vanguard Medical LLC (ECF No. 64).**

- The plaintiff's Motion is GRANTED in its entirety as unopposed.

IT IS SO ORDERED.



Mary S. McElroy  
United States District Judge

December 5, 2023